

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SARAH FELTS,)
)
Plaintiff,)
)
v.) Cause No.: 4:20-cv-0821-JAR
)
LEWIS E. REED,)
)
Defendant.)

**MOTION TO DISMISS
OR, IN THE ALTERNATIVE, TO CONTINUE THE TRIAL SETTING**

COMES NOW Lewis E. Reed, by and through the undersigned, and pursuant to Federal Rule of Civil Procedure 12(b)(6) hereby moves the Court dismiss this cause as moot, or in the alternative to continue the trial setting, and in support thereof, states the following:

1. Plaintiff's Complaint alleges a single count against Defendant in his official capacity pursuant to 42 U.S.C. § 1983, to wit: that Defendant violated her First Amendment rights under color of state law when he "blocked" her from his Twitter account.
2. Plaintiff was "unblocked" from the account at issue after the filing of this lawsuit.
3. Lewis Reed resigned from the office of President of the Board of Aldermen on or about June 7, 2022, a fact that is not subject to reasonable dispute because it is generally known within the territorial jurisdiction of this Court, and/or

because it can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. **FRE 201.**

4. When the relief sought by a plaintiff can no longer be granted, dismissal of an action is appropriate as the case is moot. *Dodson v. Univ. of Ark. for Med. Scis.*, 601 F.3d 750, 762 (8th Cir. 2010).

5. When a case is moot, there is no longer a “case or controversy,” depriving a court of its subject matter jurisdiction under Article III of the United States Constitution, leaving a court with no other authority than to dismiss the case. *Hickman v. Missouri*, 144 F.3d 1141, 1142 (8th Cir. 1998).

6. While Plaintiff may still attempt to recovery attorneys’ fees and costs, that alone does not change the fact that there is no longer a case or controversy before this Court.

7. Alternatively, Lewis Reed respectfully requests this Court to continue the trial setting in light of the gravity of recent events.

WHEREFORE, Defendant Lewis E. Reed, moves the Court to dismiss this cause with prejudice, or, in the alternative, to continue the trial setting of June 29, 2022, and for such other and further relief as this Court deems just and proper.

Respectfully submitted,

**SHEENA HAMILTON
CITY COUNSELOR**

By: /s/ Steven R. Kratky

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and complete copy of the foregoing was served upon all counsel of record on this 9th day of June, 2022, by filing same in the Court's electronic filing system.

/s/ Steven R. Kratky